

**U.S. BANKRUPTCY COURT
District of South Carolina**

**Case Number: 05-07573
Adv. Proc. No.: 05-80390**

**CONSENT ORDER APPROVING
SETTLEMENT AND COMPROMISE**

**The relief set forth on the following pages, for a total of 4 pages including this page,
is hereby ORDERED.**

**FILED BY THE COURT
11/20/2006**



John E. Waites

Chief US Bankruptcy Court Judge
District of South Carolina

Entered: 11/22/2006

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:	Rudolph Medrano Santana)	CASE NO: <u>05-07573-jw</u>
	Jill Elizabeth Santana)	CHAPTER: <u>13</u>
)	
	DEBTOR(S).)	
)	
)	
)	Adv. Pro. No. <u>05-80390-jw</u>
	Rudolph Medrano Santana)	
	Jill Elizabeth Santana)	
)	
	PLAINTIFF(S))	
)	
	v.)	
)	
	Little Johnny's Used Cars; Bill Gaines;)	
	and Robert Goss)	
)	
	DEFENDANT(S))	

CONSENT ORDER APPROVING SETTLEMENT AND COMPROMISE

This matter comes before the Court on the Debtors' Notice And Application For Settlement and Compromise.

The parties, Rudolph Medrano Santana and Jill Elizabeth Santana ("Debtors") represented by Pamela L. Lintner of The Lintner Law Firm and Bill Gaines, representing himself without counsel have reached an agreement in partial satisfaction of the Judgment in favor of the Debtors against Little Johnny's Used Cars; Bill Gaines; and Robert Goss entered by this Court on March 24, 2006 in Adversary Proceeding Number 05-80390-jw. The Debtors and Bill Gaines are desirous of this Court's approval of the Settlement and Compromise reached between the parties as indicated by their signatures or the signatures of their counsel below.

This Court hereby finds that the agreement of the parties is as follows:

1. the remaining amount of the claim of Little Johnny's Used Cars in the amount of \$1,843.60 was credited as an offset against the total amount of the judgment of \$12,000.00 by previous order of this Court entered on July 18, 2006 resulting in a remaining balance of \$10,156.40 on the original Judgment,
2. the remaining judgment balance shall be further reduced by Bill Gaines upon remittance of \$5,000.00 to the Debtors resulting in a remaining balance of \$5,156.40 on the original Judgment,
3. Bill Gaines' deliver the title to the Debtors' 1991 Toyota Camry with the satisfaction of the lien executed,

4. Bill Gaines will use his best efforts to assist the Debtors in collecting the remaining balance on the original judgment against the remaining defendants, and
5. Bill Gaines agrees to testify, if necessary on behalf of the Debtors in any action brought in a court of competent jurisdiction to collect the remaining balance on the original judgment and that Bill Gaines further agrees to accept service of notices and subpoenas at the following address:

Bill Gaines
100 Saint Lukes Circle
Easley, SC 29642

6. in consideration of Bill Gaines' remittance of \$5,000.00 and delivery of the satisfied title to the 1991 Toyota Camry, the Debtors agree to hold Bill Gaines harmless from further liability on the Judgment entered by this Court on March 24, 2006 in Adversary Proceeding Number 05-80390-jw.
7. the \$5,000.00 paid to the Debtors shall be applied to reduce the damages, costs, and attorney fees as itemized on the judgment in pro rata proportions as follows:

\$833.50	Actual Damages
\$2,291.50	Attorney Fees
\$208.50	Emotional Damages
<u>\$1,666.50</u>	Punitive Damages
 \$5,000.00	Total

Debtors hereby acknowledge receipt of \$5,000.00 in cash from Bill Gaines currently held in trust in the account of The Lintner Law Firm Trust Fund IOLTA. Debtors further acknowledge receipt of the title to the 1991 Toyota Camry reciting a satisfaction of the lien held by Little Johnny's Used Cars and executed by Its owner, Bill Gaines.

Bill Gaines hereby acknowledges that he is the owner and sole principle of Little Johnny's Used Cars and duly authorized to act on Its behalf.

The parties further agree that should this Court not approve this Settlement and Compromise that The Lintner Law Firm shall refund the \$5,000.00 to Bill Gaines currently held in trust in the account of The Lintner Law Firm Trust Fund IOLTA.

THEREFORE, IT IS ORDERED that the remaining judgment balance shall be further reduced by \$5,000.00 received by the Debtors resulting in a remaining balance of \$5,156.40 on the original Judgment,

IT IS FURTHER ORDERED that Bill Gaines will use his best efforts to assist the Debtors in collecting the remaining balance on the original judgment against the remaining defendants, and

IT IS FURTHER ORDERED that Bill Gaines agrees to testify, if necessary on behalf of the Debtors in any action brought in a court of competent jurisdiction to collect the remaining balance on the original judgment and that Bill Gaines further agrees to accept service of notices and subpoenas at the following address:

Bill Gaines
100 Saint Lukes Circle
Easley, SC 29642

IT IS FURTHER ORDERED that Bill Gaines is released from liability under this Court's Judgment entered by this Court on March 24, 2006 in Adversary Proceeding Number 05-80390-jw.

IT IS FURTHER ORDERED that the \$5,000.00 paid to the Debtors shall be applied to reduce the damages, costs, and attorney fees as itemized on the judgment in pro rata proportions as follows:

\$833.50	Actual Damages
\$2,291.50	Attorney Fees
\$208.50	Emotional Damages
<u>\$1,666.50</u>	Punitive Damages
 \$5,000.00	Total

IT IS SO ORDERED.

We consent:

Bill Gaines
Bill Gaines
100 Saint Lukes Circle
Easley, SC 29642

Pamela Lintner
Pamela L Lintner, Fed ID# 9566
Attorney for Debtor